

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARCO ANTONIO PEREZ PEREZ and
JOSE EDUARDO SANCHEZ ARIAS,

Plaintiffs,

-v-

No. 20-CV-8010-LTS-GWG

ESCOBAR CONSTRUCTION, INC., et. al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Gabriel W. Gorenstein’s June 9, 2023, Report and Recommendation (the “Report”) (docket entry no. 275) which recommends that the Court grant Defendants’ motion to “decertify” the collective action and to dismiss the claims of the opt-in plaintiffs without prejudice. (Docket entry no. 247.) No objections to the Report have been received.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].” 28 U.S.C.A. § 636(b)(1)(C) (Westlaw through Pub. Law 117-12). “In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Johnson v. New York University School of Education, No. 00-CV-8117-WK-RLE, 2003 WL 21433443, at *1 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Gorenstein’s thorough and well-reasoned Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Defendants’ motion to decertify the collective action and to dismiss the claims of the opt-in plaintiffs without prejudice is granted. This

Order resolves docket entry no. 247. The Clerk of Court is respectfully directed to amend the case caption as indicated above and Plaintiff's counsel is directed to serve a copy of this order on each of the opt-in plaintiffs and file proof of such service within 7 days of the date hereof.

SO ORDERED.

Dated: New York, New York
August 22, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge